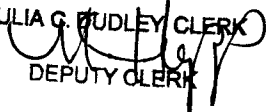


UNITED STATES DISTRICT COURT

for the

Western District of Virginia

APR 13 2015

JULIA G. FUDLEY CLERK
BY:  DEPUTY CLERK

United States of America)

v.)

TIMOTHY A. BROWN)

Case No: 4:09cr00033-002

USM No: 14447-084

Date of Previous Judgment: 08/08/2013)

(Use Date of Last Amended Judgment if Applicable))

Defendant's Attorney

Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion,

IT IS ORDERED that the motion is:

☐ DENIED. ☒ GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of 94 months is reduced to 88 months*.

I. COURT DETERMINATION OF GUIDELINE RANGE (Prior to Any Departures)

Previous Offense Level: 23Amended Offense Level: 21Criminal History Category: IVCriminal History Category: IVPrevious Guideline Range: 70 to 87 monthsAmended Guideline Range: 57 to 71 months

II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE

☐ The reduced sentence is within the amended guideline range.

☒ The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.

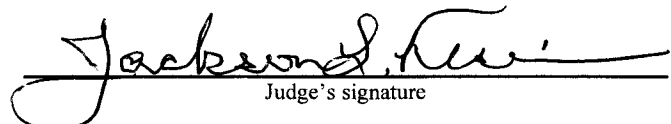
☐ Other (explain):

III. ADDITIONAL COMMENTS

* Defendant's sentence is reduced to 88 months, but not less than time served. Defendant's sentence consists of twenty-eight (28) months on Count One, and sixty (60) months on Count Two, which are to run consecutively. Defendant's Motion to Appoint Counsel [ECF No. 63] is DENIED.

Except as provided above, all provisions of the judgment dated 08/08/2013 shall remain in effect.

IT IS SO ORDERED.

Order Date: 4-13-15

Judge's signature

Effective Date: 11/01/2015
(if different from order date)

Hon. Jackson L. Kiser, Senior U.S. District Judge
Printed name and title